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EXAMINER

HUTTON JR, WILLIAM D

ART UNIT PAPER NUMBER

2176

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,392

Applicant(s)

DODGE, WILLIAM C.

Examiner

Doug Hutton

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 12-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 12-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Applicant's Response

In Applicant's Response dated 11/10/2005, Applicant amended Claims 1 and 12, added new Claims 16 and 17, and argued against all objections and rejections previously set forth in the Office Action dated 8/19/2005.

The objections to the Specification that were previously set forth are withdrawn. The objection to the drawings that was previously set forth is withdrawn. The rejections under 35 U.S.C. 101 that were previously set forth are withdrawn.

Specification

The disclosure is objected to because of the following informalities:

- the term "to" should be inserted between the term "*related*" on Page 10, Line 32 and the term "*the*" on Page 10, Line 33 in order to make the sentence grammatically correct.

Appropriate correction is required.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign mentioned in the description: 808 (see Specification – Page 13, Line 1).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 12-15 remain rejected under 35 U.S.C. 102(b) as being anticipated by Marmel, Elaine, **Microsoft Project 2000 Bible**, Chapter 17 – “*Coordinating Multiple Projects*” (IDG Books Worldwide, Inc., © 2000).

Claim 1:

Marmel discloses *a method of creating a program management chart* (see Pages 457-480 – Marmel discloses this limitation, as clearly indicated in the cited pages), *comprising the steps of:*

- *displaying a plurality of tasks within a selected set of data as a first part of the program management chart* (**EXAMINER'S INTERPRETATION** – The examiner is interpreting this limitation to be elements 802 and 804 displayed in Figure 8 of the drawings. These specific elements are discussed in the Specification from Page 12, Line 27 through Page 13, Line 2. This ***type*** of element is discussed in the Specification on Page 11, Lines 15-17. In Marmel, see Pages 457-480 – Marmel discloses this limitation in that MS Project allows a user to consolidate projects/subprojects by inserting multiple project/subproject files into one large consolidated project file, thus saving the various parts of the consolidated file into separate files. The organizational structure of the consolidated project file is saved, so that the hierarchy of the various parts can be displayed in conjunction with corresponding Gantt charts. MS Project displays Gantt charts for user-selected subprojects to a user. These Gantt charts comprise tasks within those user-selected subprojects.); and
- *displaying a task that is outside of the selected set of data but that is associated with at least one of the plurality of tasks within the selected set of data as a second part of the program management chart* (**EXAMINER'S INTERPRETATION** – The examiner is interpreting this limitation to be elements

806 and 809 displayed in Figure 8 of the drawings. These specific elements are discussed in the Specification from Page 12, Line 27 through Page 13, Line 2. This **type** of element is discussed in the Specification from Page 11, Line 18 through Page 12, Line 4. In Marmel, see Pages 457-480 – Marmel discloses this limitation in that MS Project allows the user to link tasks in different parts of a consolidated project file. In a consolidated project file, there typically are tasks in one part of the project file that are dependent upon tasks in another part of the project file (e.g., “external” tasks). MS Project displays Gantt charts for user-selected subprojects to a user. These Gantt charts comprise external tasks for those user-selected subprojects.).

Claim 2:

Marmel discloses *the method of Claim 1, further comprising the step of differentiating between the plurality of tasks within the selected set of data and the task that is outside of the selected set of data* (In Marmel, see Pages 457-480 – Marmel discloses this limitation in that MS Project displays external tasks in different colors.).

Claim 3:

Marmel discloses *the method of Claim 1, wherein the task that is outside of the selected set of data is outside of a project that contains the selected set of data* (as indicated in the above rejection for Claim 1, Marmel discloses this limitation).

Claim 12:

Marmel discloses *a method of creating a program management chart* (as indicated in the above rejection for Claim 1, Marmel discloses this limitation), *comprising the steps of:*

- *accessing a subset of data within a project* (**EXAMINER'S INTERPRETATION** – The examiner is interpreting this limitation to correspond to the first element recited in Claim 1 in that, in order to display tasks on a computer, the data for those tasks are accessed. Thus, the discussion of the examiner's interpretation of the first element recited in Claim 1 also applies here. In Marmel – As indicated in the above rejection for Claim 1, Marmel discloses this limitation.);
- *displaying a plurality of tasks associated with the subset of data* (**EXAMINER'S INTERPRETATION** – The examiner is interpreting this limitation to correspond to the first element recited in Claim 1. Thus, the discussion of the examiner's interpretation of that element also applies here. In Marmel – As indicated in the above rejection for Claim 1, Marmel discloses this limitation.); and
- *displaying a task that is outside of the subset of data* (**EXAMINER'S INTERPRETATION** – The examiner is interpreting this limitation to correspond to the second element recited in Claim 1. Thus, the discussion of the examiner's interpretation of that element also applies here. In Marmel – As indicated in the above rejection for Claim 1, Marmel discloses this limitation.).

Claim 13:

Marmel discloses *the method of Claim 12, wherein the task that is outside of the subset of data is a task within the project* (see Pages 457-480 – Marmel discloses this limitation in that MS Project allows a user to include many subproject files in a consolidated project file and display the Gantt chart for any one of the subproject files selected by the user. When the Gantt chart for the user-selected subproject file is displayed, the Gantt chart displays any external tasks located in another subproject file. Thus, the displayed external task is “*within the project.*”).

Claim 14:

Marmel discloses *the method of Claim 12, wherein the task that is outside of the subset of data is a task outside of the project* (see Pages 457-480 – Marmel discloses this limitation in that MS Project allows a user to include many files within a **consolidated** project file. The files within the consolidated project file may be nested into a hierarchical structure containing several levels. For example, the consolidated project file may have subproject files on one hierarchical level and sub-subproject files on another lower hierarchical level. Stated differently, each subproject file within a consolidated project file may have sub-subproject files within it. MS Project allows a user to select a sub-subproject file that is within a **particular** subproject file, wherein the **particular** subproject file is one of many subproject files within the consolidated project file. MS Project displays the Gantt chart for the user-selected sub-subproject file within the **particular** subproject file. When the Gantt chart for the user-selected sub-

subproject file within the **particular** subproject file is displayed, the Gantt chart will display any external tasks located in a **different** subproject file. Thus, the displayed external task is “*outside of the project.*”).

Claim 15:

Marmel discloses *the method of Claim 12, further comprising the step of accessing a header relating to the task that is outside of the subset of data*

(EXAMINER'S INTERPRETATION – The examiner is interpreting this limitation to mean accessing any data that **allows a representation of an external task to be displayed** in the Gantt chart for the user-selected data **without having all of the data in the external task open**. This interpretation corresponds to the discussion of “header data” described in the Specification from Page 10, Line 31 through Page 11, Line 7. In Marmel, see Pages 457-480 – Marmel discloses this limitation in that MS Project displays external tasks in the Gantt charts for the selected hierarchical portions of the consolidated project file. At this point, **all** of the data in the external tasks are **not** open. The user can access all of the data in the external tasks by double clicking on the external tasks in the Gantt charts.).

Claims 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Marmel.

Claims 16 and 17:

Marmel discloses *the methods of Claims 1 and 12, further comprising accessing header data associated with at least one of the plurality of tasks within the selected set of data in order to display the task that is outside of the selected subset of data*

(EXAMINER'S INTERPRETATION – The examiner is interpreting this limitation to mean accessing any data that **allows a representation of an external task to be displayed** in the Gantt chart for the selected data **without having all of the data in the external task open**. This interpretation corresponds to the discussion of “header data” described in the Specification from Page 10, Line 31 through Page 11, Line 7. In Marmel, see Pages 457-480 – Marmel discloses this limitation in that MS Project displays external tasks in the Gantt charts for the selected hierarchical portions of the consolidated project file. At this point, **all** of the data in the external tasks are **not** open. The user can access all of the data in the external tasks by double clicking on the external tasks in the Gantt charts.).

Response to Arguments

Applicant's arguments filed 11/10/2005 have been fully considered but they are not persuasive.

Arguments for Claims 1-3 and 12-15:

Applicant argues that Marmel fails to disclose “*displaying a plurality of tasks within a selected set of data as a first part of the program management chart*” and “*displaying a task that is outside of the selected set of data but that is associated with at least one of the plurality of tasks within the selected set of data as a second part of the program management chart*” as recited in Claim 1, because Marmel discloses displaying a “work breakdown structure tree” that is not part of the program management chart. Thus, Applicant argues, Marmel fails to disclose “*displaying a task that is outside of the selected set of data but that is associated with at least one of the plurality of tasks within the selected set of data as a second part of the program management chart.*” See Response – Page 9, first full paragraph through Page 10, second full paragraph.

The examiner disagrees.

As indicated in the above rejections, Marmel discloses that MS Project allows a user to consolidate projects/subprojects by inserting multiple project/subproject files into one large consolidated project file. MS Project also displays Gantt charts for user-selected subprojects to a user. Thus, Marmel discloses “*displaying a plurality of tasks within a selected set of data as a first part of the program management chart.*”

Also, as indicated in the above rejections, Marmel discloses that MS Project allows the user to link tasks in different parts of a consolidated project file. In a consolidated project file, there typically are tasks in one part of the file that are dependent upon tasks in another part of the file (e.g., “external” tasks). MS Project

displays Gantt charts comprising external tasks for user-selected subprojects to a user. Thus, Marmel discloses *“displaying a task that is outside of the selected set of data but that is associated with at least one of the plurality of tasks within the selected set of data as a second part of the program management chart.”*

Accordingly, Marmel discloses every limitation of Claim 1.

Applicant argues that Marmel fails to disclose *“accessing header data associated with at least one of the plurality of tasks within the selected set of data in order to display the task that is outside of the selected subset of data”* as recited in Claim 16, because Marmel discloses directly accessing task data for a task within a project and does not disclose accessing “header data” associated with a task that is outside the selected project. See *Response* – Page 11, first partial paragraph.

The examiner disagrees.

As indicated in the above rejection for Claim 16, “header data” is any data that **allows a representation of an external task to be displayed** in the Gantt chart for the selected data **without having all of the data in the external task open**. Marmel discloses that MS Project displays external tasks in the Gantt charts for the selected hierarchical portions of the consolidated project file. Thus, in order to display the external tasks, MS Project accesses data that allows the external task to be displayed without accessing the complete, actual data of the external task.

Accordingly, Marmel discloses every limitation of Claim 16.

Applicant argues that Marmel fails to disclose “*displaying a task that is outside of the subset of data*” as recited in Claim 12, because Marmel discloses displaying only those tasks that are within a selected project. See *Response* – Page 11, first full paragraph.

The examiner disagrees.

As indicated in the above rejections and in the above discussion, Marmel discloses that MS Project displays Gantt charts comprising external tasks for user-selected subprojects to a user.

Accordingly, Marmel discloses every limitation of Claim 12.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Doug Hutton whose telephone number is 571-272-4137. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

WDH
January 13, 2006

A handwritten signature in black ink, appearing to read 'D. Hutton', with a stylized flourish at the end.

**DOUG HUTTON
PRIMARY EXAMINER
TECH CENTER 2100**